

## § 1182.1

## 49 CFR Ch. X (10–1–96 Edition)

AUTHORITY: 5 U.S.C. 559, 49 U.S.C. 10321, 11321, 11341, 11343, 11344, and 11345a; 21 U.S.C. 853a.

SOURCE: 54 FR 35343, Aug. 25, 1989, unless otherwise noted.

### Subpart A—Applications

#### § 1182.1 Applications covered by these rules.

These rules govern applications for authority under 49 U.S.C. 11343–11344 to consolidate, merge, purchase, or lease operating rights and properties of a motor carrier of passengers or a water carrier, or to acquire control of one or more motor carriers of passengers or water carriers through ownership of stock or otherwise.

#### § 1182.2 Starting the application process.

There is no application form for these proceedings. Applicants for authority under 49 U.S.C. 11343–11344 to consolidate, merge, purchase, or lease operating rights and properties of a motor carrier of passengers or a water carrier, or to acquire control of one or more motor carriers of passengers or water carriers, through ownership of stock, or otherwise, shall file a pleading containing the information described in 49 CFR 1182.3. See 49 CFR 1002.2(f)(21) for filing fees.

#### § 1182.3 Content of applications.

(a) The application must contain the following information:

- (1) Full name, address, and signature of each of the parties to the transaction.
- (2) Copies or descriptions of the pertinent operating authorities of the parties.
- (3) A description of the proposed transaction.
- (4) Identification of any ICC-regulated carriers affiliated with the parties, a brief description of their operations, and a summary of the intercorporate structure of the corporate family from top to bottom.
- (5) If applicants are motor carriers, a jurisdictional statement that the aggregate gross operating revenues from interstate operations conducted by them and their motor carrier affiliates, if any, exceeded \$2 million for a period

of 12 consecutive months, ending not more than six months preceding the date of the parties' agreement covering the transaction. See 49 CFR part 1188.

(6) A statement indicating whether the transaction will or will not significantly affect the quality of the human environment and the conservation of energy resources.

(7) Information to demonstrate that the proposed transaction is consistent with the national transportation policy and the public interest, including particularly:

(i) The effect of the proposed transaction on competition within the involved transportation markets;

(ii) The effect of the proposed transaction on accommodating significant transportation needs; and

(iii) If the proceeding involves a motor passenger or rail carrier, the effect of the proposed transaction on the adequacy of transportation to the public; the effect on the public interest of including, or failing to include, other carriers in the area involved in the proposed transaction (if applicable); the total fixed charges that result from the proposed transaction; and the interest of carrier employees affected by the proposed transaction. See 49 U.S.C. 111344(b)(2).

(8) Certification of the U.S. Department of Transportation safety fitness rating of each motor passenger carrier involved in the transaction, whether that carrier is a party to the transaction or is affiliated with a party to the transaction.

(9) If motor passenger carriers are involved in the transaction, certification by the party acquiring any operating rights through the transaction that it has sufficient insurance coverage under 49 U.S.C. 10927 for the service it intends to provide.

(10) If water carriers are involved in the transaction, information to show that the acquiring party is fit, willing, and able properly to perform the service authorized by the certificate or permit involved and to conform to the applicable statutory and administrative requirements.

(11) If motor passenger carriers are involved in a purchase of assets or merger transaction, certification by the party acquiring any operating